



MIKE PENCE, *Governor*
JAMAL L. SMITH, *Executive Director*

ICRC No.: EMse13011678
[REDACTED]

[REDACTED],
Complainant,

v.

METROPOLITAN FACULTY SERVICES ENTERPRISES,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred in this instance. 910 IAC 1-3-2(b).

On January 18, 2013, [REDACTED] ("Complainant") filed a Complaint with the Commission against Metropolitan Faculty Services Enterprises ("Respondent") alleging discrimination on the basis of sex in violation of [REDACTED] the Indiana Civil Rights Law (Ind. Code § 22-9, *et. seq.*) Accordingly, the Commission has jurisdiction over the parties and the subject matter.

An investigation has been completed. Both parties have been given the opportunity to submit evidence. Based upon a full review of the relevant files and records and the final investigative report, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was terminated due to her sex. In order to prevail, Complainant must show that: (1) she is a member of a protected class; (2) she suffered an adverse employment action; (3) she was meeting Respondent's legitimate business expectations; and (4) similarly-situated male employees were treated more favorably.

By way of background, Complainant was hired in October 2012 as a janitorial supervisor and worked from 6:00pm until 12:30am on Sundays and 6:00pm until 1:30am on



Mondays through Thursday. During the course of her employment, Complainant alleges Respondent's male owner told her that he wanted a man in the position because he did not think a woman could handle the job. Shortly thereafter, on November 6, 2012, the owner changed Complainant's work schedule to a daytime schedule which conflicted with other responsibilities. When Complainant indicated he could not work that schedule, he told her not to return to work. Complainant also alleges that the owner told her that he would find another job location for her to work, but failed to do so. Respondent refused to respond to the Commission's request for information and failed to produce evidence to refute Complainant's allegations; thus, Respondent has failed to proffer a legitimate non-discriminatory reason for the change in Complainant's schedule and subsequent termination. Therefore, based upon the above-findings, probable cause exists to believe that an unlawful discriminatory practice occurred.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. Ind. Code § 22-9-1-18, 910 IAC 1-3-5. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6.

September 5, 2013

Date

Akia A. Haynes, Esq.
Deputy Director
Indiana Civil Rights Commission